

## REMARKS

Claims 12-13, as amended, and new claims 17-28 appear in this application for the Examiner's review and consideration.

Applicant appreciates the Examiner's acknowledgement that claims 12 and 13 contain allowable subject matter. In response, claims 12 add 13 have been re-written in independent form so that those claims are now fully in condition for allowance.

Claims 1-11 and 14-16 have been cancelled herein, so that all rejection of those claims has been rendered moot.

New claims 17-31 are now presented. These claims are supported by the specification and previous claims so that there is no issue of new matter. Accordingly, the entry of these claims at this time is warranted.

The new claims have been written in a manner that patentably distinguishes them from the art cited in the rejections of previous claims 1-11 and 14-16. In particular, independent claim 17 recites a flat fixture with an adhesive on both sides for non-invasively correcting a human external ear. The fixture has an inner part and an outer part, with the inner side of the inner part arranged to be stuck on an inner fold part on the back of an ear and with the inner side of the outer part arranged to be stuck on an outer fold part on the back of an ear. Also, the outer side of the inner part and outer parts are arranged to be stuck together when facing each other to form a fold about a folding line so that the inner and outer parts are kept fixed in a folded position.

The prior art references cited against claims 1-11 and 14-16 are not material to the patentability of claim 17. Coffee (US patent 5,076,262) relates to a cosmetic ear-flattening device having two flexible, interconnected pads of medical grade adhesive tape (column 2 line 33). Interconnection is established by means of a spacer block (in spaced relationship, see column 2, line 35). The ear is retracted to the head at a distance corresponding to the thickness of the spacer block (see column 2 lines 67-68). Although the thickness of the block according to Coffee can be varied, the only object of that patent is to flatten the ear against the head. Coffee does not disclose that the pads could be coated with adhesive so that they can be directly (without space) adhered to each other.

Coffee discloses that one pad is attached to the person's head while the other pad is attached to the back of the person's ear. In contrast, in the present invention, both fold parts (or pads) must be mounted on the ear so that the ear can be folded relatively sharp and held in a folded position. During the folding, some damage is made to the cartilage of the ear,

and in the course of time an artificial, natural looking anthelix is created in an extremely lenient way (See specification e.g. at page 7, lines 25-27).

By using the device of Coffee no such permanent damage and artificial anthelix can be made, neither is any indication given that Coffee has intention to do so with such a result as Coffee is only concerned with a temporary rather than a permanent solution. Claim 17 specifically recites the means for adhering parts of the device according to the present invention and also recites the positioning of the device on back of the ear with the exact sharp folding. Thus, Coffee does not anticipate or render obvious independent claim 17.

Pitoux (French patent application 2,743,718) also relates to a fixture for sticking the back face of a protruding ear to the person's head, (see page 1 lines 9-12) to maintain the ear in this position. From Fig.1 in conjunction with page 1 lines 9-12, 13-18, it can be deduced that for use of the device of Pitoux, first one side is adhered to the back face of the ear. Subsequently the other side, which is coated with adhesive, is adhered to the ear to hold the protruding part of the external ear against the head (See fig. 1 and page 1, lines 13-18). No fold or folding line exists or is intentionally formed prior to/or in relation to attaching the device on the ear. Nor is any indication given that this should be possible or needed. Thus, Pitoux does not anticipate or render obvious independent claim 17.

Dubrowski (US patent 4,187,838) relates to another cosmetic device. The device is a clip which is attached on the auricle of the ear and secured to the person's hair. No adhesive parts exist and it would be impossible to create the desired fold for creating a new anthelix as does the fixture of the presently claimed invention. Thus, Dubrowski does not anticipate or render obvious independent claim 17.

Godley (US patent 5,295,950) relates to a pressure dressing to repair a hematoma or the like, which dressing requires a local pressure application. The dressing has metal part for holding it in place. A part of the dressing is attached in front of the ear and another part on back of the ear. No mention is made of an adhesive coating or folding back of the ear to create an artificial anthelix exists as defined by claim 17. Thus, Godley also does not anticipate or render obvious claim 17.

Method claim 29 recites the use of the fixture of claim 17. Accordingly, method claim 29 is patentable for the same reason as claim 17.

In view of the above, it is clear that none of the cited references, whether considered alone or in any combination, are material to the patentability of fixture claim 17 or method claim 29. Thus, those claims are believed to be in condition for allowance.

As claims 18-28 and 30-31 depend from claims 17 or 29, these claims are allowable at least due to their dependency upon those allowable claims. Accordingly, the entire application is now believed to be in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree that all claims are allowable, then a personal or telephonic interview is respectfully requested to discuss any remaining issues in an effort to expedite the eventual allowance of this application.

Respectfully submitted,

11/5/04  
Date

  
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